(S)

26/11/07

(46)

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 6993 of 2007

PETITIONER Ashok Singh, s/o Shri Shiv Kumar, aged about 38 years, R/o Laxminagar, Ekta Chowk, Behind Marble Line, Raipur, Chhattisgarh

Versus

RESPONDENTS

1. Union of India through the Secretary, Department of Communication Sanchar Bhawan, 20, Ashok Road, New Delhi, 110 001
2. Bharat Sanchar Nigam Limited (Government of India Enterprise) through Chairman and Managing Director, Corporate office at Harischandra Mathur Line, Janpath, New Delhi 110 001.
3. Chief General Manager, Telecommunications, Bharat Sanchar Nigam Limited, Chhattisgarh Telecom Circle, Raipur(CG)

(Writ Petition under Article 226 of the Constitution of India)

Appearance:

Shri Ajay Shrivastava, counsel for the petitioner.

Shri Manish Sharma, Advocate appears on behalf of Shri Abhishek Sharma, Counsel for respondent No.1/Union of India on advance copy.

ORAL ORDER
(23.11.2007)

SUNIL KUMAR SINHA, J.

Heard finally with the consent of the parties.

Learned counsel for the petitioner submits that the petitioner belongs to Scheduled Caste and he was appointed on 9.1.1995 on the post of Junior Telecom Officer. Presently, the petitioner is working on the post of Sub-Divisional Engineer (Mobile) at Raipur in Chhattisgarh Telecom Circle, Bharat Sanchar Nigam.

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The grievance of the petitioner is that he was not assigned seniority on the post of Sub-Divisional Engineer from the date of officiating the post i.e. from 11.8.2000 up to the actual promotion order dated 1.5.2002. Moreover, he is claiming that he is entitled to seniority and notional yearly increments from the date when the post was vacant for Scheduled Caste candidate according to the roster of Government of India between the period of 9.1.1995 to 22.7.1996. The petitioner relies on circular No.5-7/98 DE dated 6.11.1998 (Annexure P-2) which reads that:-

> *"All qualified JTOs including TES Group 'B' officers promoted against the vacancies for 1994-95, 1995-96 and 1996-97 (up to 22.7.96) shall also be eligible for appearing in the competitive part of the combined limited Departmental Examination and will be entitled for the seniority whichever is beneficial to them"*

Learned counsel for the petitioner submits that the seniority of the petitioner should be fixed according to this circular and necessary directions are required to be issued in this regard. He submits that the petitioner has filed many representations in this regard, but the concerned authorities of the respondents are not taking any action on the representations filed by the petitioner. He further submits that for the present, this petition may be disposed of with a liberty to the petitioner to file a fresh representation before the concerned authority and the concerned authority may be directed to dispose of the said representation at the earliest.

This limited prayer made by learned counsel for the petitioner is not opposed by learned counsel for the Union of India, who is appearing on advance copy.

The prayer is allowed.

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It is directed that if so advised, the petitioner may file a fresh representation along with a copy of this order and a copy of writ petition before the concerned authority within a period of 3 weeks from today and if such a representation is filed, the concerned authority shall dispose of/process the same in accordance with law for its final decision at the earliest and the authority, who is to decide the matter shall also expedite earlier disposal of the representation.

With the aforesaid observations/directions, this petition stands finally disposed of.

Sd/-
Sunil Kumar Sinha
Judge

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